

AMENDED IN SENATE JUNE 29, 2009

AMENDED IN ASSEMBLY MAY 26, 2009

AMENDED IN ASSEMBLY APRIL 23, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY MARCH 24, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 496

Introduced by Assembly Member Davis

February 24, 2009

An act to add Chapter 12 (commencing with Section 108950) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 496, as amended, Davis. Tire age degradation: consumer disclosure.

Existing law provides for the establishment and enforcement of various product safety standards for consumer products, including, among others, requiring specified warning labels for water heaters, and prohibiting the sale of contaminated toys and lead-tainted tableware.

This bill would require a tire dealer to disclose the date of manufacture of each passenger or light truck tire in writing prior to, or at the point of, the sale or prior to the installation of that tire. The bill would require sale documents for tires to include a statement as to the date of manufacture of the tires, next to which the customer would be required to initial and date prior to, or at the point of, the sale. The bill would

require a tire dealer to provide a *clear and conspicuous* written disclosure to the customer prior to, or at the point of, the sale or prior to the installation of any tire about the risk associated with tire age. The bill's provisions would not apply to the private sale of used tires, the sale or lease of any new or used vehicle, or the sale of tires by a motor vehicle dealer whose primary business is the sale or service of motor vehicles. The bill would provide that any violation of its provisions is subject to a civil penalty of \$250 per violation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In a 2007 report to Congress, the National Highway Traffic
4 Safety Administration (NHTSA) acknowledged that "tire aging is
5 a serious safety issue." NHTSA also reported that insurance
6 statistics from a number of states, including California, showed
7 that 84 percent of tire-related claims were for "tires over 6 years
8 old."

9 (b) Since 2005, major passenger or light truck tire manufacturers
10 have issued technical bulletins advising against the use of tires
11 that are 6 to 10 years old. However, most defer to vehicle
12 manufacturers' guidelines, which predominantly advise against
13 the use of tires that are six years old. These bulletins were preceded
14 by others overseas, like the 2001 British Rubber Manufacturers
15 Association, which includes all of the major tiremakers or their
16 subsidiaries.

17 (c) The tire industry, vehicle manufacturers, and NHTSA
18 recognize that passenger or light truck tire age degradation presents
19 a hazard.

20 (d) Vehicle and tire manufacturers have recommended light
21 truck and passenger tires older than six years from the date of
22 manufacture should not be used, particularly spares. Currently,
23 nearly all vehicle manufacturers have adopted a six-year policy
24 warning that tires should be removed from service after six years,
25 regardless of tread depth or use. Unfortunately, these warnings are
26 often inconspicuously buried in the depths of a several hundred
27 page owner's manual.

1 (e) The date of manufacture of passenger or light truck tires can
2 be determined by checking the identification number on the
3 sidewall that begins with the letters "DOT." The last four digits
4 represent the week and year the tire was manufactured. However,
5 this code is inconspicuously positioned on the tire, and a consumer
6 would not likely be able to understand the DOT number unless he
7 or she had prior knowledge about how to decode it.

8 (f) Consumer disclosure is an important step to prevent tragedies
9 that continue to occur when aged passenger or light truck tires fail
10 catastrophically.

11 SEC. 2. Chapter 12 (commencing with Section 108950) is
12 added to Part 3 of Division 104 of the Health and Safety Code, to
13 read:

14
15 CHAPTER 12. TIRE AGE DEGRADATION
16

17 108950. (a) A tire dealer shall disclose the date of manufacture
18 of each passenger or light truck tire in writing prior to, or at the
19 point of, the sale or prior to the installation of that tire. Sale
20 documents for tires shall include a statement as to the date of
21 manufacture of the tires, next to which the customer shall initial
22 and date prior to, or at the point of, the sale.

23 (b) (1) A tire dealer shall provide a *clear and conspicuous*
24 written disclosure to the customer prior to, or at the point of, the
25 sale or prior to the installation of any tire about the risk associated
26 with tire age, as follows:

27 "Passenger or light truck tires deteriorate with age, even if they
28 have never or seldom been used. As tires age they are more prone
29 to sudden failure that can cause a vehicle to crash. This applies
30 also to the spare tire and tires that are stored for future use. Heat
31 caused by hot climates or frequent high-loading conditions can
32 accelerate the aging process. Most vehicle manufacturers
33 recommend that passenger or light truck tires be replaced after six
34 years, regardless of the remaining tread depth."

35 (2) Nothing in this section affects any rights or duties under any
36 other applicable statute or law.

37 (c) For purposes of this chapter, both of the following shall
38 apply:

39 (1) "Tire dealer" shall include any retail tire outlet and any
40 commercial retailer of any vehicle equipped with tires.

1 (2) "Passenger or light truck tire" shall include both new and
2 used tires.

3 (d) This chapter shall not apply to any of the following:

4 (1) The private sale of used tires.

5 (2) The sale or lease of any new or used vehicle.

6 (3) The sale of tires by a motor vehicle dealer whose primary
7 business is the sale or service of motor vehicles.

8 (e) A tire dealer shall be deemed to be compliant with the
9 requirements of paragraph (1) if the customer has initialed and
10 dated the statement prior to, or at the point of, the sale.

11 108952. Any violation of this chapter is subject to a civil
12 penalty of two hundred fifty dollars (\$250) per violation.